

REMARKS

This is a full and timely response to the requirements for an election of invention and an election of species in the Office Action dated October 31, 2005, for which one month was allotted for reply. A Petition to Extend Time to Within the First Month accompanies this paper. Reexamination and reconsideration are respectfully requested.

Election/Restriction

A. Election of Invention

In response to the pending Action requiring an election of invention, the Applicant, through its representatives and attorneys, respectfully provisionally elects with traverse the invention of Group II, Claims 1-5, 9-13 and 16-21 as drawn to a semiconductor device, classified in class 257, subclass 288+. The method claims of the group identified as Group I (claims 6-8, 14, and 22-28), are retained as withdrawn and may be subject to rejoinder under MPEP 821.04, or submission in one or more divisional applications as of right. It is noted that the parent application matured into U.S. Pat. No. 6,682,965 with method claims 1 to 10 based on the elections made in the parent.

This requirement is respectfully traversed, solely to preserve the Applicant's rights to provide linking claims and/or combination claims commensurate with the elected claims, or to permit rejoinder when appropriate upon the allowance of any of the elected apparatus claim.

Election of Species

At the outset, the requirement for an election of species is respectfully traversed in that the eight species identified are inconsistent with the species identified in the parent patent. In paper No. 7, dated September 23, 1999, after an election of method claims 6 to 8, 14 and 15, only two separate and distinct species were identified, i.e. species I having claims 6 to 8 drawn to

Figs. 1 and 2 drawn to a method of forming a FET, and species II having claims 14 and 15, drawn to a method of forming p-channel type FET and n-channel FET. In response, after making an election, additional claims were added to be generic and reading on Figs. 5 and 6.

In order to take advantage of the complex file wrapper history of the parent patent, new claims 29 to 38 are added. These claims correspond in apparatus format to the patented method claims of the parent patent, i.e. claims 29 to 31 correspond to patented claims 8 to 10, while claims 32 to 38 correspond to patented claims 1 to 7. Because these claims were allowed, and because of their nature, they are generic to an election of species.

For the requirement to elect a species as identified, the Applicant respectfully elects the species of Fig. 5, subject to the traverse as noted. Fig. 5 is a sectional view of the first embodiment of Fig. 1, while Figs. 2 and 6 include many of the features of Figs. 1 and 5, and may include the substrate of Fig. 12.

Recasting the election of species requirement to include the species of Figs. 1 and 2, their cross sections of Figs. 5 and 6, and Fig. 12 would be an appropriate requirement in that Figs. 9 to 11 include specific circuits.

Anyway, for the elections of Fig. 5 (that must necessarily include the subject matter of Fig. 1), at least claims 1 to 5, 9 to 13, 17 to 21, and claims 29 to 38 are believed to read on the embodiment of the elected species of Fig. 5, several of which are generic to all species except the logic circuits. All method claims are here canceled without disclaimer or prejudice to their presentation in a divisional application as of right.

Examination of claims 1 to 5, 9 to 14, 17 to 21 and 29 to 38 is respectfully requested.

Conclusion

Early examination on the merits of the remaining claims is respectfully requested.

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Respectfully submitted,

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